UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 2008 APR -4 PM 12:

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '08 MJ 1043
v.	**COMPLAINT FOR VIOLATION OF:**
Sergio SANCHEZ-Ramirez, Defendant(s)	Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

COUNT 1

On or about **April 3, 2008,** within the Southern District of California, defendant **Sergio SANCHEZ-Ramirez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose LOPEZ-Orozco, Eluterio PEREZ-Vasquez,** and **Luis Alberto ARMENTA-Valtierra,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

COUNT 2

On or about **April 3, 2008,** within the Southern District of California, defendant, **Serigio SANCHEZ-Ramirez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico,** was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF **APRIL 2008.**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Sergio SANCHEZ-Ramirez

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Jose LOPEZ-Orozco, Eluterio PEREZ-Vasquez,** and **Luis Alberto ARMENTA-Valtierra** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 3, 2008, at approximately 4:00 a.m., Border Patrol Agent A. Briseno, was performing line watch duties near an area known as "The Southern Crossover. This area is approximately 1/2 mile north of the U.S./Mexico International Boundary Fence and approximately three miles west of the San Ysidro, California Port of Entry. Agent A. Briseno responded to a call for assistance via his Service radio from Senior Border Patrol Agent Jason Viau. Agent Viau advised Agent Briseno that he had apprehended one individual, Jose LOPEZ-Orozco, near this area and two individuals had made it northbound from his position. When Agent Briseno arrived in the area, he began to look for the remaining two individual's footprints. He observed several footprints that traveled northbound across a dirt road. Agent Briseno continued to follow the footprints until he observed two silhouettes in the thick brush. Agent Briseno approached the first individual later identified as the defendant, **Sergio SANCHEZ-Ramirez** and ordered him to get down on the ground after several commands. The defendant did not respond to commands. Agent A. Briseno dismounted his All-Terrain Vehicle and after a short foot pursuit, he was able to secure the defendant. Agent Briseno identified himself as a United States Border Patrol Agent and questioned the defendant as to his country of citizenship and nationality. The defendant subsequently admitted freely to me that he was a citizen and national of Mexico and that he did not possess immigration documents to enter or remain in the United States legally. At approximately 4:15 am, Agent Briseno arrested the defendant and transported him to the Imperial Beach Border Patrol Station.

Agent Viau, after he called Agent Briseno, continued to search the area where he first observed LOPEZ-Orozco and two other individuals. Two additional individuals, Eluterio PEREZ-Vasquez and Luis Alberto ARMENTA-Valtierra, were discovered attempting to conceal themselves. Agent Viau identified himself as a Border Patrol Agent and conducted an immigration inspection. Both subjects admitted to being citizens and nationals of Mexico without any immigration documents to be in or remain in the United States legally. Both were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on April 25, 2005 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

CONTINUATION OF COMPLAINT:
Sergio SANCHEZ-Ramirez

DEFENDANT STATEMENT

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.

Sergio SANCHEZ-Ramirez freely admitted to guiding the group into the United States. SANCHEZ stated that bicycles were placed inside the United States in a pre-arranged location. SANCHEZ stated that they used the bicycles to further their illegal entry into the United States, after climbing over the United States/Mexico International Boundary. SANCHEZ stated that the purpose of his illegal entry today was to earn some money. SANCHEZ stated that he was going to be paid $3,000.00 MXN by a smuggler, for whom he has guided for in the past. SANCHEZ stated that his main task in the instant event was to make sure that none of the individuals being smuggled were left behind, and everyone would make it to the load vehicle.

MATERIAL WITNESS STATEMENTS:.

Jose LOPEZ-Orozco, Eluterio PEREZ-Vasquez, and **Luis Alberto ARMENTA-Valtierra** each again admitted to being citizens and nationals of Mexico, illegally in the United States. Each stated that they were to pay $2500 to be smuggled into the United States. Each material witness identified **Sergio SANCHEZ-Ramirez**, though a photographic lineup, as the person that had guided them from Mexico into the United States.